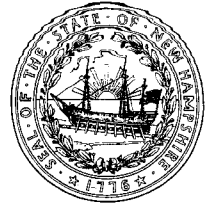




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

KRL Electronics
Division of Bantry Components, Inc.
160 Bouchard Street
Manchester, NH 03103-3399

RE: EPA ID No. NHD986469823

ADMINISTRATIVE ORDER
No. WMD 06-009

August 23, 2006

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to KRL Electronics - Division of Bantry Components, Inc. pursuant to RSA 147-A:14. This Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, New Hampshire.
2. KRL Electronics - Division of Bantry Components, Inc. ("KRL") is a New Hampshire corporation having a mailing and facility address of 160 Bouchard Street, Manchester, NH 03103-3399.

C. STATEMENT OF FACTS AND LAW

1. RSA 147-A authorizes DES to regulate the management, including storage, treatment, containerization, transportation, and disposal of hazardous wastes. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. KRL is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities on May 1, 1990. EPA Identification Number NHD986469823 was assigned to KRL's site located at 160 Bouchard Street, Manchester, New Hampshire (the "Facility").
3. On April 10, 2006, DES personnel conducted an inspection (the "Inspection") of the Facility. The purpose of the Inspection was to determine KRL's compliance status relative to RSA 147-A and the Hazardous Waste Rules.
4. On May 19, 2006, DES issued a Notice of Findings ("NOF") to KRL. The NOF contained a partial list of the hazardous waste compliance deficiencies discovered during the Inspection and

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requested that KRL take immediate action to evaluate the deficiencies and take appropriate corrective actions.

5. During the Inspection, DES personnel documented the following hazardous waste storage areas:

- a. Raw Material Storage Hazardous Waste Storage Area; and
- b. Soaping and Tinning Hazardous Waste Storage Area.

6. RSA 147-A:5, IV(a) establishes the Small Quantity Generator (SQG) self-certification program, by requiring each hazardous waste generator that generates less than 220 pounds (100 kilograms) of hazardous waste per month to submit to DES, every 3 years, a self-certification declaration stating that the facility is in compliance with the small quantity hazardous waste generator rules. The declaration shall be on a form provided by DES, the SQG Self-certification Form.

7. RSA 147-A:5, IV(c)(2) required each SQG in Hillsborough and Cheshire counties to submit self-certification forms by January 1, 2005. A certification fee of \$60 for 2004 was to be paid to the department by January 1, 2005. Self-certification forms and a \$180 renewal fee for the period of 2005, 2006, and 2007, were to be paid to the department by January 1, 2005, and every 3 years thereafter.

8. KRL is located in Manchester, New Hampshire, which is in Hillsborough County. Based on KRL's Hazardous Waste Facility Notification Form, KRL generates less than 220 lbs./month of hazardous waste.

9. On October 1, 2004, DES mailed the SQG Self-certification Form to SQGs in Hillsborough and Cheshire Counties, including KRL. The cover letter included in the mailing informed KRL of the law requiring SQGs of hazardous waste to provide certification that their facility is in compliance with applicable sections of the New Hampshire Hazardous Waste Rules. The cover letter also provided notice that the SQG Self-certification Form and the \$240 certification fee were due on or before January 1, 2005.

10. DES did not receive the SQG Self-certification Form and the accompanying \$240 certification fee from KRL by the statutory deadline date of January 1, 2005.

11. In a letter dated March 4, 2005, DES mailed a notice to KRL indicating that the SQG Self-certification Form and accompanying \$240 certification fee were overdue.

12. On March 31, 2005, Bernard Perry, KRL President, was contacted via telephone by DES personnel; the purpose of the telephone call was to inform KRL that DES had not received the SQG Self-certification Form and the accompanying \$240 certification fee, by the statutory deadline date.

13. In a letter dated June 2, 2005, DES mailed a final notice to KRL indicating that the SQG Self-certification Form and accompanying \$240 certification fee were overdue (Certified Mail/Return Receipt Requested # 7099 3400 00181293; received by KRL on 6/6/05 and received by DES on 6/8/05).

14. On October 11, 2005, DES sent a notification form and a cover letter instructing KRL to submit

the SQG Self-certification Form and accompanying \$240 certification fee to DES.

15. At the time of the Inspection, KRL had not submitted the SQG Self-certification Form declaring that the facility is in compliance with the small quantity hazardous waste generator rules.

16. At the time of the Inspection, KRL had not submitted the required \$240 certification fee for the period of 2004 through 2007.

17. Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste.

18. During the Inspection, DES personnel observed numerous containers of waste "lab pack" chemicals stored in a flammable storage cabinet located in the Raw Material Storage Hazardous Waste Storage Area that were not being actively managed as hazardous wastes. These containers of waste "lab pack" chemicals included containers labeled as ignitable (EPA waste number D001) and corrosive (EPA waste number D002) and numerous unlabeled waste containers (See the attached Hazardous Waste Generator Inspection Report, photograph log, photo numbers 1-4).

19. At the time of the Inspection, an adequate hazardous waste determination had not been performed for the waste "lab pack" chemicals stored in the flammable storage cabinet located in the Raw Material Storage Hazardous Waste Storage Area.

20. During the Inspection, Verna Perry, Executive Vice President, stated that waste fluorescent light bulbs generated at the Facility are routinely disposed of as a solid waste.

21. At the time of the Inspection, an adequate hazardous waste determination had not been performed for the waste fluorescent lamps generated at the Facility.

22. Env-Wm 507.01(a)(3) requires hazardous waste to be placed in containers or tanks that are closed at all times except to add or remove waste.

23. During the Inspection, DES personnel observed one (1) container labeled as hazardous waste "lead" stored in the Raw Material Storage Hazardous Waste Storage Area and one (1) container of hazardous waste "Chem-clean caustic soap solution" stored in the Soaping and Tinning Hazardous Waste Storage Area that were not closed. See the attached Hazardous Waste Container Inventory ("Inventory").

24. Env-Wm 507.03(a)(1)b., c., and d. require containers and tanks used for the storage of hazardous waste to be clearly marked with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number.

25. During the Inspection, DES personnel observed that one (1) container marked with the words "hazardous waste" stored in the Raw Material Storage Hazardous Waste Storage Area was not marked with words that identify the contents of the container and the EPA or state waste number. Additionally, one (1) container of hazardous waste "Chem-clean caustic soap solution" stored in the Soaping and Tinning Hazardous Waste Storage Area was not marked with the words "hazardous

waste,” words that identify the contents of the container, and the EPA or state waste number. (See the attached Inventory).

26. Env-Wm 508.03, Small Quantity Generator Extended Quantity and Storage Provision (“extended storage provision”), allows SQGs to accumulate more than 100 kilograms of non-acutely hazardous waste, up to a limit of 1,000 kilograms, on-site for greater than 90 days without a permit provided that they comply with the requirements of Env-Wm 508.03(a)-(j).

27. At the time of the Inspection, KRL had accumulated more than 100 kilograms of non-acutely hazardous waste on-site; therefore, KRL was required to comply with Env-Wm 508.03(a)-(j).

28. Env-Wm 508.03(a) requires small quantity generators using the extended storage provision to manage hazardous waste containers in accordance with 40 CFR Part 265 Subpart I – Use and Management of Containers, which includes weekly inspections of all hazardous waste containers.

29. At the time of the Inspection, KRL had not instituted a program to conduct and document weekly inspections of all areas used to store hazardous waste containers.

30. Env-Wm 508.03(e) requires small quantity generators using the extended storage provision to post adequate emergency information at the telephone nearest to the hazardous waste storage area.

31. At the time of the Inspection, KRL had not posted the required emergency information at the telephones nearest to the hazardous waste storage areas.

32. Env-Wm 508.03(f) requires small quantity generators using the extended storage provision to ensure that employees are familiar with proper waste handling procedures and emergency procedures.

33. At the time of the Inspection, KRL had not instituted a program to ensure that employees were familiar with proper waste handling procedures and emergency procedures.

34. Env-Wm 508.03(h) requires small quantity generators using the extended storage provision to post “No Smoking” signs in storage areas with ignitable wastes.

35. At the time of the Inspection, KRL was storing ignitable hazardous waste solvents and petroleum distillates in the Raw Material Storage Hazardous Waste Storage Area and ignitable hazardous waste flux in the Soaping and Tinning Hazardous Waste Storage Area.

36. At the time of the Inspection, KRL had not posted “No Smoking” signs in the Raw Material Storage Hazardous Waste Storage Area and the Soaping and Tinning Hazardous Waste Storage Area.

37. Env-Wm 512.01(a)(1) requires hazardous waste generators to maintain copies of hazardous waste manifests for a period of at least 3 years.

38. At the time of the Inspection, KRL had not maintained copies of hazardous waste manifests for a period of at least 3 years. According to DES records, six (6) manifests were executed during the 3-year period prior to the Inspection.

D. DETERMINATION OF VIOLATIONS

1. KRL has violated RSA 147-A:5, IV by failing to submit to DES the Small Quantity Generator Self-certification Form and Declaration of Compliance by January 1, 2005.
2. KRL has violated RSA 147-A:5, IV by failing to submit to DES the required \$240 fee for the period of 2004 through 2007.
3. KRL has violated Env-Wm 502.01 by failing to conduct adequate hazardous waste determinations for the waste "lab pack" chemicals and for the fluorescent light bulbs.
4. KRL has violated Env-Wm 507.01(a)(3) by failing to ensure that hazardous waste containers are kept closed.
5. KRL has violated Env-Wm 507.03(a)(1)b., c., and d. by failing to mark containers of hazardous waste with the words "Hazardous Waste," words describing the contents of the container, and the proper EPA or state waste number.
6. KRL has violated Env-Wm 508.03(a) by failing to conduct inspections of the hazardous waste storage areas.
7. KRL has violated Env-Wm 508.03(e) by failing to post adequate emergency information at the telephone nearest to the hazardous waste storage area.
8. KRL has violated Env-Wm 508.03(f) by failing to ensure that employees are familiar with proper waste handling procedures and emergency procedures.
9. KRL has violated Env-Wm 508.03(h) by failing to post "No Smoking" signs in storage areas with ignitable wastes.
10. KRL has violated Env-Wm 512.01(a)(1) by failing to maintain copies of hazardous waste manifests for a period of at least 3 years.

E. ORDER

Based on the above findings, DES hereby orders KRL as follows:

1. **IMMEDIATELY** ensure that hazardous waste containers are properly sealed, and bungs or lids are closed except when wastes are actually being added to or removed from the container, as specified in Env-Wm 507.01(a)(3).
2. **IMMEDIATELY** ensure that all containers used for the storage of hazardous waste are marked with the words "hazardous waste," a description of the contents of the container, and the proper EPA or state waste number, as specified in Env-Wm 507.03(a)(1)b., c., and d.
3. **IMMEDIATELY** ensure that inspections of the Facility (specifically the Hazardous Waste Storage Areas) are conducted and documented, as required by Env-Wm 508.03(a).

4. **IMMEDIATELY** post adequate emergency information at the telephones nearest to the hazardous waste storage areas, as required by Env-Wm 508.03(e).
5. **IMMEDIATELY** ensure that employees are familiar with proper waste handling procedures and emergency procedures, as required by Env-Wm 508.03(f).
6. **IMMEDIATELY** post "No Smoking" signs in storage areas with ignitable wastes, as required by Env-Wm 508.03(h).
7. **IMMEDIATELY** ensure that copies of hazardous waste manifests are maintained for a period of at least 3 years, as required by Env-Wm 512.01(a)(1).
8. **WITHIN THIRTY (30) DAYS** perform hazardous waste determinations as specified in Env-Wm 502.01, for the waste "lab pack" chemicals and the fluorescent light bulbs. Submit the results along with any supporting data used to make the hazardous waste determinations to DES. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100.

For the waste lamps, KRL may alternatively elect to manage them as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list are enclosed.

9. **WITHIN THIRTY-FIVE (35) DAYS** submit the SQG Self-certification Form, stating that the Facility is in compliance with the small quantity hazardous waste generator rules; if the Facility is not in compliance with the small quantity hazardous waste generator rules provide a Corrective Action Plan as detailed in Section H of the SQG Self-certification Form. Include with the SQG Self-certification Form the \$240 certification fee.
10. Submit a written status report to DES **WITHIN THIRTY-FIVE (35) DAYS** of the date of this Order, certifying that corrective measures have been implemented and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance and copies of any written plans or proceedings developed.
11. Please address all submittals, **other than appeals**, to:

Robert Bishop, Waste Management Specialist
DES, WMD
P.O. Box 95
Concord, NH 03302-0095

F. APPEAL

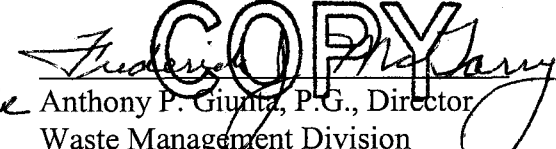
Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from DES's Public Information Center at (603) 271-2975 or at <http://www.des.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve KRL of the obligation to comply with the Order.

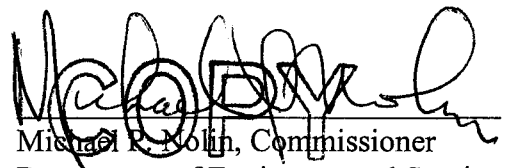
G. OTHER PROVISIONS

Please note that RSA Ch. 147-A provides for civil and criminal penalties and administrative fines for violations of the statute or any rule adopted by DES relative to the statute, as well as for violations of this Order. RSA 147-A:17 provides for civil forfeitures of up to \$50,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

DES will continue to monitor the compliance status of KRL to determine whether the Facility has come into, and is maintaining, full compliance with the applicable rules. Future violations may result in additional enforcement action being taken.

KRL may assert a confidentiality claim covering part or all of the information requested which constitutes a trade secret, in accordance with RSA 147-A:7, II. If no such claim accompanies the information when it is received by DES, it may be made available to the public by DES without further notice to KRL.


For Anthony P. Giunta, P.G., Director
Waste Management Division


Michael R. Nolin, Commissioner
Department of Environmental Services

cc: DB/RCRA/ORDER/ARCHIVE
Amy Samson, Administrative Supervisor, Director's Office-WMD
Gretchen Hamel, Legal Unit Administrator, DES Legal Unit
City Clerk, City of Manchester, NH

cc: John Duclos, Administrator HWCB-WMD
Public Information Coordinator, DES
Jennifer Patterson, NHDOJ

enclosure: Hazardous Waste Generator Inspection Report
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management
Requirements for Handlers and Transporters"
DES "Fluorescent Lamp and Ballast Recycling Facility" list